

**RESPONSE UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	Confirmation No.: 7536
Tomohiro SAKURABA et al	Art Unit: 3656
Serial No.: 10/509,325	Examiner: Vicky A. Johnson
Filed: April 6, 2005	Attorney Docket No. 106145-00083
For: ACCELERATOR PEDAL	

**REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION**

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 8, 2009

Sir:

The Office Action dated January 9, 2009, has been received and carefully noted. In response to the Office Action, the period for reply being extended by the attached Petition for Extension of Time, the following remarks are being submitted. Claims 4-19 are pending in this application. Reconsideration of the application is respectfully requested.

The courtesies extended to Applicant's representative by Examiner Johnson during the interview held April, 28, 2009, are gratefully appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

The Office Action rejects claims 4-19 under 35 U.S.C. §102(b) as being anticipated by Roder et al (U.S. Patent No. 3,500,702). The rejection is respectfully traversed.

The current application claims an accelerator pedal that includes a stopper member, a pad member, a stopper fitting section on the pad member and including nails to be fitted into the stopper member and supporting plates connecting the pad member and the nails, nail catch sections provided in the stopper member and against which the nails are hooked, a hinge section provided for connecting the pad member and the stopper fitting section, wherein the nails are inserted toward the nail catch sections with the supporting plates bent inwardly, and a backup plate is provided which prevents the supporting plates from being deformed from the initial state, as recited in independent claim 4.

The Office Action associates Roder's elements 21 and 21' to the claimed nails, the connecting part 16 to the claimed stopper member, the engagement surface 23 to the claimed nail catch sections, the thin web 11 to the claimed hinge section, and the connecting part 13 to the claimed stopper fitting section (Office Action, page 2, lines 5-11).

However, and as discussed during the interview, a closer examination of Roder reveals the edge 21' can be placed into a disengaging or release position during the assembly of the drive pedal (Col. 3, lines 5-9), and the abutment edge 21 receives the overhanging portion 25 that is abutting against the part 20 (Col. 3, lines 15-19). The engagement surface 23 of Roder, which is associated by the Office Action to the claimed nail catch sections, is not configured so that the edge 21 is hooked because

edges 21 and 21' are integrally formed with the surface 23. The surface 23 also does not receive any nails. Thus, Roder fails to teach nail catch sections against which nails are hooked, as recited in independent claim 4.

Additionally, a closer examination of Fig. 1 of Roder reveals that the direction of the displacement of the elastic abutment surface 21, the abutment edge 21' and the wall part 22 for releasing the engagement of the surface 21, the edge 21' and the wall part 22 from their initial state is a displacement in a direction to the right of the plate-like shaped part 15. Accordingly, the plate-like shaped part 15 does not prevent the supporting plates from being deformed from the initial state, as recited in independent claim 4.

Further, contrary to the Office Action characterization that the nails (interpreted as items 21 and 21') are hooked on the "nail catch section" 23, it should be noted that abutment surface 21, abutment edge 21 and engagement surface 23 are all integral surfaces of unitary wall part 22. Surface 21 and edge 21' cannot "hook" on surface 23.

Also, Roder teaches that the distance a-b is larger than distance c (Col. 2, line 64–Col. 4, line 14), which means that the elastic abutment surface 21 is always pressed against the plate-like shaped part 15 after the first connecting part 13 and the second connecting part 16 are assembled. Accordingly, the elastic abutment surface 21, the abutment edge 21' and the tongue-shaped wall part 22 do not return to their initial positions. Thus, Roder does not teach that the supporting plates return to the initial state, as recited in claim 1. Accordingly, the structure of Roder adds a burden on the elastic abutment surface 21, the abutment edge 21' and the wall part 22, and thus the

elastic abutment surface 21, the abutment edge 21' and the wall part 22 can be subjected to age deterioration.

For at least the reasons above, Roder fails to disclose or suggest all the features of independent claim 4. As such, independent claim 4 is patentable over Roder. Claims 5-19, at least for being dependent on patentable claim 4, and for the added features recited therein, are also patentable over Roder. Accordingly, all the pending claims are patentable, and withdrawal of the rejection of the claims under 35 U.S.C. §102(b) is respectfully requested.

Should the Examiner determine that further action is necessary to place this application into better form for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event that any fees are due with respect to this paper, please charge Deposit Account No. 01-230 0, referencing Atty. Docket No. 106145-00083.

Respectfully submitted,



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Attachment: Petition for Extension of Time (one month)

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